

1 THE HONORABLE JOHN C. COUGHENOUR  
2  
3  
4  
5  
6

7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 BRADLEY RAY CAIRNES,

11 Plaintiff,

v.

12 PAMELA HEMMINGER, *et al.*,

13 Defendants.

CASE NO. C24-0486-JCC

ORDER

15 A complaint filed by any person seeking to proceed *in forma pauperis* is subject to *sua  
sponte* review and dismissal by the Court “at any time” to the extent it is “frivolous, malicious,  
16 fail[s] to state a claim upon which relief may be granted, or seek[s] monetary relief from a  
17 defendant immune from such relief.” 28 U.S.C. § 1915(e)(2)(B); *Calhoun v. Stahl*, 254 F.3d 845,  
18 845 (9th Cir. 2001). And while the Court holds *pro se* plaintiffs to less stringent pleading  
19 standards and liberally construes a *pro se* complaint in the light most favorable to the plaintiff,  
20 *Erickson v. Pardus*, 551 U.S. 89, 94 (2007), they remain bound by the rules of procedure. *See*  
21 *Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995).

23 According to the Federal Rules of Civil Procedure, a complaint must include a short plain  
24 statement of the grounds for the court’s jurisdiction, along with a description of the claim  
25 establishing that the plaintiff is entitled to relief and a description of the relief sought. *See* Fed. R.  
26 Civ. P. 8. And because subject matter jurisdiction is a foundational issue, the Court must dismiss

1 a complaint any time it appears that it has no jurisdiction. Fed. R. Civ. P. 12(h)(3); *see Safe Air*  
 2 *for Everyone v. Meyer*, 373 F.3d 1035, 1039 (9th Cir. 2004) (allegations must support the court's  
 3 subject matter jurisdiction). Federal question jurisdiction exists where a plaintiff's claim arises  
 4 "under the Constitution, law, or treaties of the United States." 28 U.S.C. § 1331. Diversity of  
 5 citizenship jurisdiction exists where the amount at issue in the lawsuit is more than \$75,000 and  
 6 no plaintiffs or defendants are citizens of the same state. *See id.* § 1332.

7 Based on the Court's review of the instant complaint, it finds that Plaintiff's allegations  
 8 fail to establish this Court's subject matter jurisdiction. *See Fed. R. Civ. P. 8(a)(1), (2).*  
 9 According to Plaintiff's complaint, the Court has subject matter jurisdiction because "U.S. Code  
 10 Title 38 . . . governs the rights of veterans and their property." (Dkt. No. 5 at 1.) But the citation  
 11 is inapt. Plaintiff's case is a quiet title action. (*See generally id.*) While Title 38 does address  
 12 veterans' affairs, it only governs the disposition of certain unclaimed deceased veterans' personal  
 13 property. *See, e.g.*, 38 U.S.C. § 8502. And it does not provide a cause of action in a civil case.  
 14 *See* 38 U.S.C. § 101 *et seq.* Moreover, a quiet title action against private parties (as opposed to  
 15 the federal government) is, by its very nature, a matter of state law. *See Liddell v. All Persons*  
 16 *Unknown*, 2022 WL 2159261, slip op. at 2 (C.D. Cal. 2022) (collecting cases). It does not  
 17 present a federal question and, accordingly, does not confer subject matter jurisdiction. *Id.* Nor  
 18 would diversity jurisdiction apply here, as all parties are Washington citizens. (*See* Dkt. No. 5 at  
 19 6.)

20 While the Court gives *pro se* plaintiffs leave to amend, it need not do so if "it is  
 21 absolutely clear that the deficiencies of the complaint could not be cured by amendment." *Cato*  
 22 *v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995). And here, it is not conceivable that Plaintiff  
 23 could adequately plead violations of federal law and/or diversity jurisdiction. For this reason,  
 24 Plaintiff's complaint (Dkt. No. 5) is DISMISSED without prejudice. The Clerk is DIRECTED to  
 25 close this case.

26 //

1 DATED this 30th day of April 2024.  
2  
3  
4

John C. Coughenour

5 John C. Coughenour  
6 UNITED STATES DISTRICT JUDGE  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26